

REMARKS

Claims 1-12 are pending in this application after this Amendment; claims 1 and 10 being independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1 and 6-9 under 35 U.S.C. § 103(a) as being unpatentable over *Kawamura et al.* (U.S. Patent Appl. Pub. No. 2002/0008763) in view of *Oku et al.* (JP 01-320871); rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over *Kawamura et al.* in view of *Oku et al.* and further in view of *Okada* (USP 5,515,104); rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Kawamura et al.* in view of *Shigetomi* (USP 6,169,568); and rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Kawamura et al.* in view of *Shigetomi* and further in view of *Okada*. Applicant respectfully traverses these rejections.

Applicant wishes to thank the Examiner for noting that claim 5 contains allowable subject matter.

Claim Rejections - 35 U.S.C. § 103(a) - *Kawamura et al./Oku et al.*

With regard to the Examiner's rejection of claim 1, the Examiner asserts that *Kawamura et al.* discloses a display controller for controlling the monitor to display the image captured by the imaging part on a first area of the monitor in a recording mode and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode, citing to control portion 5, Figs. 2 and 5, and

paras. 24 and 25. Applicant respectfully disagrees with the Examiner's characterization of this reference.

It is respectfully submitted that *Kawamura et al.* discloses an electronic camera having a pen input function. As shown in Fig. 2, the camera includes display portion 4. Additionally, as shown in Fig. 5, a user can select between a record function, a reproduction function, and a setting function. However, regardless of whether the camera is operating in recording mode or reproduction mode, the image is displayed in display portion 4 (para. 23, ll. 4-5; para. 24, ll. 11-14). As such, it is respectfully submitted that *Kawamura et al.* fails to teach displaying the image in a first area on the monitor in recording mode and displaying the image on a second area in the reproducing mode.

It is respectfully submitted that *Oku et al.* fails to cure the deficiencies of *Kawamura et al.*, assuming these references are combinable, which Applicant does not admit. It is respectfully submitted that the invention set forth in *Oku et al.* is directed to a monitor device for a video tape recorder. As set forth in *Oku et al.*, "CAM" represents an image being captured by the camera and "VTR" represents an image being reproduced by the VTR. *Oku et al.* teaches the image of the video camera and the reproduced image of the VTR being displayed simultaneously so that an operator can review the VTR image during recording. However, it is respectfully submitted that nowhere does *Oku et al.* disclose a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode. As *Oku et al.* fails to cure the

deficiencies of *Kawamura et al.*, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness by failing to provide references that teach or suggest all of the claimed elements. Thus, it is respectfully submitted that claim 1 is patentable over *Kawamura et al.* in view of *Oku et al.*

It is further respectfully submitted that claims 2-9 and 12 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1.

Claim Rejections - 35 U.S.C. § 103(a) - *Kawamura et al./Shigetomi*

With regard to the Examiner's rejection of claim 10, the Examiner admits that *Kawamura et al.* fails to disclose a display controller for determining, by the touch panel, an area on the monitor hidden by a matter touching the touch panel, and controlling the monitor to display the image on an area on the monitor excluding the hidden area. The Examiner relies on *Shigetomi* to cure the deficiencies of *Kawamura et al.*, citing to Figs. 5-6 and col. 1, line 65 - col. 2, line 9. It is respectfully submitted that Applicant disagrees with the Examiner's characterization of this reference.

It is respectfully submitted that *Shigetomi* discloses a liquid crystal display device and entertainment system where a video image and an image containing icons are displayed on a display screen in such a manner that they do not overlap each other. Additionally, *Shigetomi* discloses a display screen having two regions, one for displaying icons and the other for displaying image data.

However, the present invention as set forth in claim 10 recites, *inter alia*, a camera comprising a display controller for determining, by the touch panel, an area on the monitor hidden by a matter touching the touch panel and controlling the monitor to

display the image on an area on the monitor excluding the hidden area. It is respectfully submitted that nowhere in the reference does *Shigetomi* teach determining an area on the monitor hidden by a matter touching the touch panel and controlling the monitor to display the image on an area on the monitor excluding the hidden area. As such, *Shigetomi* fails to cure the deficiencies of the teachings of *Kawamura et al.*, assuming these references are combinable, which Applicant does not admit. As such, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness by failing to provide references that teach or suggest all of the claimed elements set forth in claim 10. Thus, claim 10 is patentable over *Kawamura et al.* in view of *Shigetomi*.

It is respectfully submitted that claim 11 is allowable for the reasons set forth above with regard to claim 10 at least based upon its dependency on claim 10.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Registration No. 52,327) at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, Reg. No. 29,680

CMW
MKM/CMV/jdm
0879-0230P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

New claim 12 has been added.